

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-33 are pending in the present application and stand rejected. Claims 7, 9 and 29-33 are sought to be amended. New claims 34-46 are sought to be added. These amendments are believed not to introduce new matter and their entry is respectfully requested. Upon entry of the amendments, claims 1-46 are presented for reconsideration.

Claim 9 has been amended to depend from claim 7. The amendment overcomes the rejection to claims 10 and 12 under 35 U.S.C. § 112, second paragraph, set forth in paragraph 2 of the Office Action.

Paragraph 5 of the Office Action rejects claims 1-33 under 35 U.S.C 102(b) as allegedly being anticipated by U.S. Patent No. 5,479,411 to Klein ("Klein"). For the following reasons, applicant respectfully traverses the rejection.

Klein is directed to a system for storing multi-media messages in an integrated voice and image format. In the case of email messages, when an email message is received it can be handled either conventionally or as an integrated voice and/or fax message. (Klein, col. 4, ll. 32-36.) If the integrated voice and/or fax message option is chosen, the header information is processed and stored as voice and image data that can be retrieved on demand. (Klein, col. 5, l. 1-col. 6, l. 23.)

However, Klein neither teaches or suggests polling the email server for received email messages as recited in independent claims 1, 7, 13, 22 and 28. The recited polling operation is

an active operation, wherein an email server is polled for the presence of new emails. Klein's operation on the other hand is passive. As explained in Klein, the email server *responds* to a new email when it is received. (Klein, col. 4, ll. 57-65.) Consequently, no polling of the email server is required, much less taught or suggested. Moreover, with respect to claims 22 and 28, even assuming *arguendo*, that Klein does disclose the recited polling operation (which, it does not), Klein does not disclose any such polling "according to the email account contact information."

In addition, Klein neither teaches or suggests notifying a user of the receipt of new email messages as recited in claims 2, 7, 13, 22 and 28. Rather than notifying subscribers of messages, in Klein messages are only conveyed to the users *on demand*, i.e., in response to a call to a message system (Klein, col. 6, ll. 21-23; col. 3, ll. 47-49; col. 4, ll. 2-19; and Fig. 2. elements 200 and 230-242) Thus, Klein does not notify subscribers of the presence of new messages as recited in claim 2, 7, 12, 22 and 28.

Further, Klein does not disclose or suggest processing emails from multiple email accounts for a particular subscriber as recited in claims 4-6, 10, 12, 16, 23-24 and 29-30.

Accordingly, for at least the foregoing reasons, applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claim 1-33 set forth in paragraph 2 of the Office Action. New claims 34-46 are also believed to be patentable.

In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is

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desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicant's undersigned representative at the number listed below.

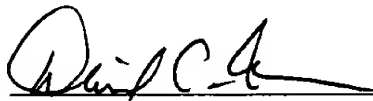
SHAW PITTMAN LLP
1650 Tysons Boulevard
McLean, VA 22102
Tel: 703/770-7646

Date: March 13, 2003

Respectfully submitted,

KIRKPATRICK ET AL.

By:



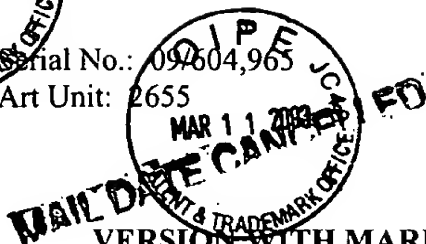
David C. Isaacson
Registration No. 38,500

Attachments: Amended Claims w/ Markings

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VERSION WITH MARKINGS TO SHOW CHANGES MADE TO CLAIMS

7. (Once amended) A method for notifying a subscriber of the presence of new email messages, comprising the steps of:

- (a) polling an email account associated with the subscriber for the presence of new email messages;
- (b) obtaining any new email messages;
- (c) extracting at least a portion of header information of each new email message as extracted header information; and
- (d) notifying the subscriber of [the] each new email message as extracted header information.

9. (Once amended) The [system] method recited in claim [6] 7, further comprising the steps of:

- contacting a voicemail system associated with the subscriber; and
- leaving a voicemail message containing the header information for the subscriber.

29. (Once amended) The method recited in claim [22] 28, wherein the particular subscriber has multiple email accounts, further comprising the steps of:

- polling each of the email accounts for the presence of email in any of new email; and
- causing the particular subscriber to be notified of the presence of new email in any of the email accounts.

30. (Once amended) The method recited in claim [23] 29, wherein the multiple email accounts are on multiple email servers.

31. (Once amended) The method recited in claim [22] 28, wherein the step of polling the email account comprises the step of polling the email account only after a predetermined time has elapsed.

32. (Once amended) The method recited in claim [22] 28, wherein the step of causing the subscriber to be notified comprises the steps of:

obtaining at least a portion of the header information from each new email for the particular subscriber;

converting the obtained header information to speech as converted information; and

sending the converted information to a voicemail system associated with the particular subscriber in accordance with voicemail system information contained in the account record for the particular subscriber.

33. (Once amended) The method recited in claim [22] 28, wherein the step of causing the subscriber to be notified comprises the step of sending a page to the particular subscriber in accordance with pager contact information contained in the account record.